

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 399

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MATERNAL MORTALITY; AMENDING SECTION 54-1806, IDAHO CODE, TO AU-  
2 THORIZE THE BOARD OF MEDICINE TO COLLECT INFORMATION ON INSTANCES OF MA-  
3 TERNAL MORTALITY AND TO REQUIRE A REPORT; AND DECLARING AN EMERGENCY AND  
4 PROVIDING AN EFFECTIVE DATE.  
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 54-1806, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 54-1806. POWERS AND DUTIES. The board shall have the authority to:  
10 (1) Establish, pursuant to the administrative procedure act, rules for  
11 administration of this chapter, including rules establishing procedures for  
12 the receipt of complaints and for the investigation and disposition thereof.  
13 Such rules shall provide for notice to a person when board staff has under-  
14 taken to investigate that person and shall provide an opportunity for a per-  
15 son under investigation to meet with the committee or board staff before the  
16 initiation of formal disciplinary proceedings by the board.  
17 (2) Conduct investigations and examinations and hold hearings as au-  
18 thorized by this section and by section 54-1806A, Idaho Code.  
19 (3) The board shall have the power in any investigation or disciplinary  
20 proceeding pursuant to this chapter to administer oaths, take depositions  
21 of witnesses within or without the state in the manner consistent with rules  
22 adopted by the board pursuant to the administrative procedure act and, upon a  
23 determination that there is good cause, the board shall have power through-  
24 out the state of Idaho to require the attendance of such witnesses and the  
25 production of such books, records, and papers as it may deem appropriate for  
26 any investigation, deposition or hearing. For that purpose, the board may  
27 issue a subpoena for any witnesses, or a subpoena duces tecum to compel the  
28 production of any books, records, or papers, directed to the sheriff of any  
29 county of the state of Idaho where such witness resides or may be found, which  
30 subpoena shall be served and returned in the same manner as a subpoena in a  
31 criminal case is served and returned. The fees and mileage of the witnesses  
32 shall be the same as that allowed in the district courts in criminal cases,  
33 which fees and mileage shall be paid from any funds in the state treasury in  
34 the same manner as other expenses of the board are paid. In any case of dis-  
35 obedience to, or neglect of, any subpoena or subpoena duces tecum served upon  
36 any person, or the refusal of any witness to testify to any matter regard-  
37 ing which he may lawfully be interrogated, it shall be the duty of the dis-  
38 trict court of any county in this state in which such disobedience, neglect  
39 or refusal occurs, or any judge thereof, on application by the board to com-  
40 pel compliance with the subpoena by proceedings for contempt as in the case  
41 of disobedience of the requirements of a subpoena issued from such court or  
42 for refusal to testify therein. The licensed person accused in such formal

1 contested case shall have the same right of subpoena upon making application  
2 to the board therefor.

3 (4) Seek injunctive relief prohibiting the unlawful practice of  
4 medicine.

5 (5) Make and enter into contracts.

6 (6) Operate, manage, superintend and control the licensure of physi-  
7 cians and physician assistants.

8 (7) Develop and submit a proposed budget setting forth the amount nec-  
9 essary to perform its functions.

10 (8) Perform such other duties as set forth in the laws of this state.

11 (9) Provide such other services and perform such other functions as are  
12 necessary to fulfill its responsibilities.

13 (10) Apply the provisions of section 12-117(5), Idaho Code, regarding  
14 the assessment of costs and fees incurred in the investigation and prosecu-  
15 tion or defense of a licensee under this chapter.

16 (11) Share with the department of labor personal identifying informa-  
17 tion of persons licensed under the provisions of this chapter necessary for  
18 the department of labor to identify workforce shortage areas in Idaho. The  
19 information provided to the department of labor concerning any person li-  
20 censed under this chapter shall remain confidential and not subject to pub-  
21 lic disclosure, as required in section 74-106, Idaho Code.

22 (12) (a) Collect and review data and information concerning maternal  
23 mortality in the state of Idaho. The board shall have the power through-  
24 out the state of Idaho to require the production of all information  
25 relating to any incidence of maternal mortality.

26 (b) The board shall provide an annual summary report no later than Jan-  
27 uary 31 each year to the legislature on the number of instances of mater-  
28 nal mortality and other information as determined by the board.

29 SECTION 2. An emergency existing therefor, which emergency is hereby  
30 declared to exist, this act shall be in full force and effect on and after  
31 July 1, 2024.